

### **Remarks**

Claims 2 and 4-32 are pending in the application. All claims stand rejected under 35 U.S.C. 103(a).

### **Amendments**

Claims 11-12, 16, 18-20, and 27 have been cancelled.

Claims 2, 9, 13-15, 17, 21, and 23-26 have been amended.

Claims 33-41 are new.

There were 30 claims pending prior to the current amendments, and after the amendments and new claims are entered, there will be 30 pending claims. No new matter has been added by these amendments and new claims, and the amendments and new claims are supported at pages 31-33 of the application. In some cases, the claims have only been amended to change the claim dependency.

### **35 U.S.C. 103(a) Rejections**

Claims 2 and 4-32 stand rejected under 35 U.S.C. 103(a) over Lawhon et al., US Patent No. 5,086,166 ("Lawhon") in view of Hodgins et al., US Patent No. 4,966,379 ("Hodgins").

Lawhon is directed to a method of producing protein curds from oilseeds. To produce these curds, the retentate is heated and coagulated to form a protein curd. Preferably, a coagulant is used to assist in forming the curds. (col. 8, lines 46-58). The curds are separated from the whey via filtration through a nylon bag (col. 11, lines 24-26).

Hodgins is directed to hydrophilic matrices.

Independent claims 2 and 26 have been amended and now recite "drying the retentate to form a modified oilseed material." This dried modified oilseed material is different than the protein curd product of Lawhon. The modified oilseed material is dried to improve its storage properties, and also enables the material to be used as a supplement in many different food products, including beverages, processed meats, frozen desserts, confectionary products, dairy-type products, sauce compositions, and cereal grain products. As Lawhon does not teach,

Applicant : Michael A. Porter et al.  
Serial No. : 10/764,275  
Filed : January 23, 2004  
Page : 9 of 9

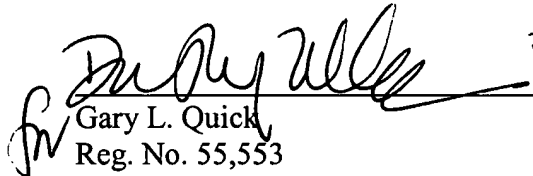
Attorney's Docket No.: 10790-  
060001 / CGL01/207US08

suggest, or disclose the step of drying a retentate to form modified oilseed material, claims 2 and 26 are novel and non-obvious over Lawhon and Hodgins. As all other claims ultimately depend upon either claim 2 or 26, they are also novel and nonobvious for at least the same reason.

Applicants request that all amendments and additions be entered, and that all claims be allowed. If it would assist in prosecution, the Examiner is invited to contact the undersigned. Enclosed is a check in the amount of \$100 for the excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 8/23/05

 33,814  
Gary L. Quick  
Reg. No. 55,553

Fish & Richardson P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696